



# Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.*



Matthew H. Mead, Governor

John Corra, Director

April 4, 2012

Ms. Francisca M. Chambus  
US Environmental Protection Agency  
1595 Wynkoop Street MC: 8P-W-GW  
Denver, CO 80202-1129

RE: Wyoming STP LUST Prevention Grant and LUST Trust Fund Cleanup Grant  
Semi-Annual Status Report (October 1, 2011 – March 31, 2012)

Dear Ms. Chambus:

This report provides required information for Wyoming's LUST Prevention Grant and LUST Trust Fund Cleanup Grant. The report includes data for "Indian Owned" facilities that are in our program. Financial Status Report requirements listed under 40 CFR 31.41 are completed annually by WDEQ/Administration and submitted to EPA, Region 8, Grants Office, with a copy to EPA, Region 8, UST/LUST Office. That reporting is not duplicated in this report.

**BACKGROUND:** The Wyoming Storage Tank Program (STP) regulates underground storage tanks (USTs) that meet the definition of an UST found in the federal Underground Storage Tank Regulations. STP-regulated aboveground storage tanks (ASTs) are defined as ASTs used by a fuel dealer to dispense gasoline or diesel to the public. This report contains information for STP-regulated USTs only.

TABLE 1 – UST OVERVIEW

	9/30/2011	03/31/2012
Number of UST <i>Facilities</i> not Permanently Out-of-Use (POU) (Active and Temporarily Out-of-Use [TOU])	717	712
Number of Petroleum UST <i>Systems</i>	10,031	10,048
Number of UST <i>Systems</i> Temporarily Out of Use (TOU)	116	125
Number of Active Petroleum UST <i>Systems</i> (Not POU)	1,867	1,861
Number of Hazardous Substance UST <i>Systems</i>	29	29 (UST 3)
Number of Active Hazardous Substance UST <i>Systems</i> (Not POU)	6	6 (always 6 – confirm with Oma)



## **SECTION 1 – SUMMARY OF ACTIVITIES**

**A. LUST Prevention:** The STP compliance section continued to perform routine and follow up inspections; installation inspections; tank removal inspections; Operator Annual Inspection Report reviews; facility testing result reviews; operator, tester, and installer licensing; and issuing Notices of Violations for facilities out-of-compliance with STP rules and regulations. Owners/operators were contacted, as needed, to notify the facility of upcoming testing deadlines. The STP received and responded to calls from the regulated community and the public.

**B. LUST Trust Fund Cleanup:** The STP remediation section continued remediation efforts at contaminated sites in on-going projects. This work included subsurface investigation, design, on-going operation and maintenance activities, construction of designed remedial alternatives, and decommissioning.

## **SECTION 2 – ACCOMPLISHMENTS/PROBLEMS**

### **A. LUST Prevention:**

**Cathodic Protection Testing:** There are 653 USTs in Wyoming that are protected against corrosion using sacrificial anodes. This number includes both active and TOU tanks. As of March 31, 2012, only 37 of these tanks had not been tested within the last 3 years. These tanks are located at 15 facilities. This is a 94.3% compliance rate. There are 430 tanks in Wyoming that are protected against corrosion by impressed current systems. Only 23 tanks at 9 locations have not been tested within the last 3 years. This is an 94.7% compliance rate.

**Inspections:** There are 56 facilities remaining for state inspection during this calendar year. This includes inspections to meet the 3-year schedule, inspections scheduled at less than the required 3-year interval because of violations found during a previous inspection, and any new facilities that have not yet been inspected for the first time. We expect to make all or nearly all of these inspections without a problem. From October 1, 2011, through March 31, 2012, the STP conducted 171 on-site compliance inspections. The STP conducted 171 on-site compliance inspections during the current federal fiscal year.

**Significant Operational Compliance (SOC) Measures:** The STP conducted 383 compliance inspections during the past 12 months. SOC compliance rates are:

SOC-1: 95.8%  
SOC-2: 95.6%  
SOC-3: 91.9%

**Operator's Annual Inspection (OAI) Reports:** During an OAI, the operator is required to complete all tasks the STP does during a field inspection and fully document the inspection in a report to the program. Between April 1, 2011, and March 31, 2012, operators conducted, documented, and reported 677 inspections. All OAI Reports submitted have been reviewed by the STP.



Enforcement: Since the beginning of the current federal fiscal year, the STP has issued two Notices of Violation. These were issued to: Common Cents Food Store 202 (Casper), and Panhandle Cooperative Association (Torrington).

Thirteen violations were resolved: Hudson Gas, Grill and Goods (Hudson), Tie Siding General Store (Tie Siding), Country Valley Store (McKinnon), Sunmart #586 (Rock Springs), Fuel Depot #2 (Cody), Collins Car Wash (Casper), Common Cents Food Store 202 (Casper), Suzy's (Laramie), Rapid Stop Conoco (Sundance), Westgate (Evanston), Afton Tri-Mart #1202 (Afton), Etna Trading Company (Etna), and Powder River Travel Plaza (Buffalo).

During the current federal fiscal year, the STP did not issued any red-tags and lifted one red-tag at the County Valley Store in McKinnon.

Compliance with the Underground Storage Tank Compliance Act of 2005.

- *Inspect every facility not inspected since December 22, 1998:* This has been completed.
- *Inspect every facility on a three (3) year schedule:* We are on track with this work.
- *Write compliance report of government owned tanks:* This was completed on schedule and updated on schedule. This report is available on our website.
- *Require new tanks and lines within 1,000 feet of a community water supply or a potable water supply well to be installed as double wall tanks and lines:* The state statute was amended to require double wall tanks and lines regardless of distance from a water system.
- *Make available a list of all facilities and underground tanks, statewide:* This list is available on our website. The public records information is available on our website and will be updated annually every September 30.
- *All states must have the ability to prohibit deliveries to non-compliant tanks:* This rule was passed into law by the Governor on August 1, 2008.
- *States must require that operators of underground storage tanks be certified:* The STP chose to require operators to pass either the International Code Council (ICC) - Underground Storage Tank Operator's Test (U6) or the International Code Council - Wyoming State Specific Test (W7). The rule was passed into law by the Governor on November 10, 2008. The Office of Underground Storage Tanks (OUST) has determined that our rule is less stringent than the federal guidance on this matter. The STP agrees with OUST's comments and intends to rectify the deficiencies during our next rulemaking. The STP intends to revise rules after the federal UST rule changes are promulgated. The federal rules were put out for comment in November 2011. Comments were due by February 2012 with an extension until April 2012. The STP submitted comments on the rules in January 2012.

Problems: None.

**B. LUST Trust Fund Cleanup:** As of March 31, 2012, there were 2,737 confirmed releases. We have initiated cleanup at 2,118 releases using state funds and 64 releases using LUST Trust Funds. A total of 1,559 releases have been cleaned up using state funds and 14 (including 2 releases using ARRA funds) releases using LUST Trust Funds. During the current federal fiscal year, 44 releases were resolved.

During the reporting period, we entered into engineering contracts for subsurface investigation and design for 4 projects comprising 48 sites. Those projects are Lincoln/Sublette Counties, Rock Springs 2, Rock Springs 3, and North Big Horn Basin. During the reporting period, we implemented corrective action for 21 releases (Riverton 3 Project), 24 releases (Central Wyoming Project), 3 releases (Albany County Project), and one release in Rawlins.

Problems: None. The program continues to start projects as funds are available.

### **SECTION 3 - SCHEDULES**

**A. LUST Prevention:** The STP is on schedule to complete required compliance activities within timelines established in the grant work plan.

**B. LUST Trust Fund Cleanup:** By statute, the STP must begin corrective action based on a site's placement on the priority list. Lower priority sites in close geographic proximity to a high priority site are placed in projects because it is more cost effective to complete corrective action at a group of sites in close proximity rather than one site at a time. Funding for the program is limited to the balance in the Corrective Action Account. When funding becomes available, new projects are started. Based on current projections the last known contaminated site will be remediated in the year 2028.

### **SECTION 4 – FUNDS**

**A. LUST Prevention:** Wyoming received a federal fiscal year 2012 LUST Prevention grant in the amount of \$355,465. The state match was \$118,489, for a total of \$473,954. The total federal fiscal year 2012 LUST Prevention Grant (federal plus state match) used between October 1, 2011, and March 31, 2012, was \$198,548.49. These funds were used to complete LUST prevention activities authorized in the work plan. This expenditure met planned expenditures for the period.

**B. LUST Trust Fund Cleanup:** Wyoming received a federal fiscal year 2012 LUST Trust Fund Cleanup grant in the amount of \$608,250. The state match was \$67,583, for a total of \$675,833. The total federal fiscal year 2012 LUST Trust Fund Cleanup Grant (federal plus state match) used between October 1, 2011, and March 31, 2012, was \$405,013.33. Typically sites are not remediated using the LUST Trust Fund Cleanup Grant, as the majority of facilities in Wyoming are in the state-funded cleanup program. STP project manager salaries and fringe benefits are paid using the federal LUST Trust Fund Cleanup Grant for remediation project contracts administered by the state.

### **SECTION 5 – ESTIMATES**

**A. LUST Prevention:** The federal fiscal year 2012 LUST Prevention Grant remaining as of the end of the reporting period was \$275,405.51 (includes the state match). We expect to use the remaining grant before the end of the federal fiscal year.

**B. LUST Trust Fund Cleanup:** The federal fiscal year 2012 LUST Trust Fund Cleanup Grant remaining as of the end of the reporting period was \$270,819.67 (includes the state match). We expect to use the remaining grant before the end of the federal fiscal year. The State's Corrective Action Account will continue to be used to complete remediation at eligible sites.



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**SUMMARY:** At this time, the Wyoming STP has an excellent compliance rate. Corrective action is proceeding as quickly as possible, given the financial and technical constraints that we work under. The STP has met the requirements of the Underground Storage Tank Compliance Act of 2005.

Numbers presented in this report were obtained from the STP database as of March 31, 2012. As previously noted, this report contains both non-Indian owned sites and Indian-owned sites. Indian-owned sites are those sites identified by EPA as in "Indian Country." While the STP reports the Indian-owned sites separately as requested by EPA, the State of Wyoming does not agree with the Federal definition of Wyoming "Indian Country." Lists generated as a result of the database queries are on file with the STP and are available upon request.

Sincerely,



Karen L. Halvorsen, P.E.  
Storage Tank Program Manager  
Solid and Hazardous Waste Division

Cc: Steve Toalson, WDEQ Administration